

NOTICE OF EMERGENCY RULE REPEAL AND PROMULGATION

AGENCY: Department of Marine Resources

STATUTORY AUTHORITY: 12 M.R.S.A. Sections 6172 and 6192

RULE REPEAL AND PROMULGATION: DMR Regulation 95.05 U, Closed Area No. 26-H, Broad Cove, Cushing, promulgated on May 20, 1992, is repealed and replaced with the following rule:

TEXT OF RULE: DMR Regulation 95.05 U, Closed Area No. 26-H, Broad Cove, Cushing

Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of Broad Cove, Cushing, north of a line beginning at a red painted post located in front of the first dwelling on Lewis Lane running west to a red painted post on the opposite shore and then continuing north to a red painted post, in the town of Cushing. This area is classified restricted for shellfish harvesting and requires a special MDMR permit.

Violation of any provision of this regulation shall be a Class D Crime (12 M.R.S.A. Section 6204).

EFFECTIVE DATE: February 26, 2004

AGENCY CONTACT PERSON:

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THE COURIER GAZETTE
March 2, 2004

STATEMENT OF FACT AND POLICY

The Commissioner of the Maine Department of Marine Resources repeals the emergency DMR Regulation 95.05 U, Closed Area No. 26-H, Broad Cove, Cushing, and replaces it with a new regulation. The new regulation decreases the size of the restricted area in Broad Cove that requires a special permit.

Department personnel have sampled and surveyed the newly opened area and have determined that it is no longer subject to microbiological pollution. The remaining closed area is subject to non-point pollution, which poses a threat to public health.



DAVID ETNIER
DEPUTY COMMISSIONER



Maine Department of Marine Resources

Legal Notice of Shellfish Closure Area

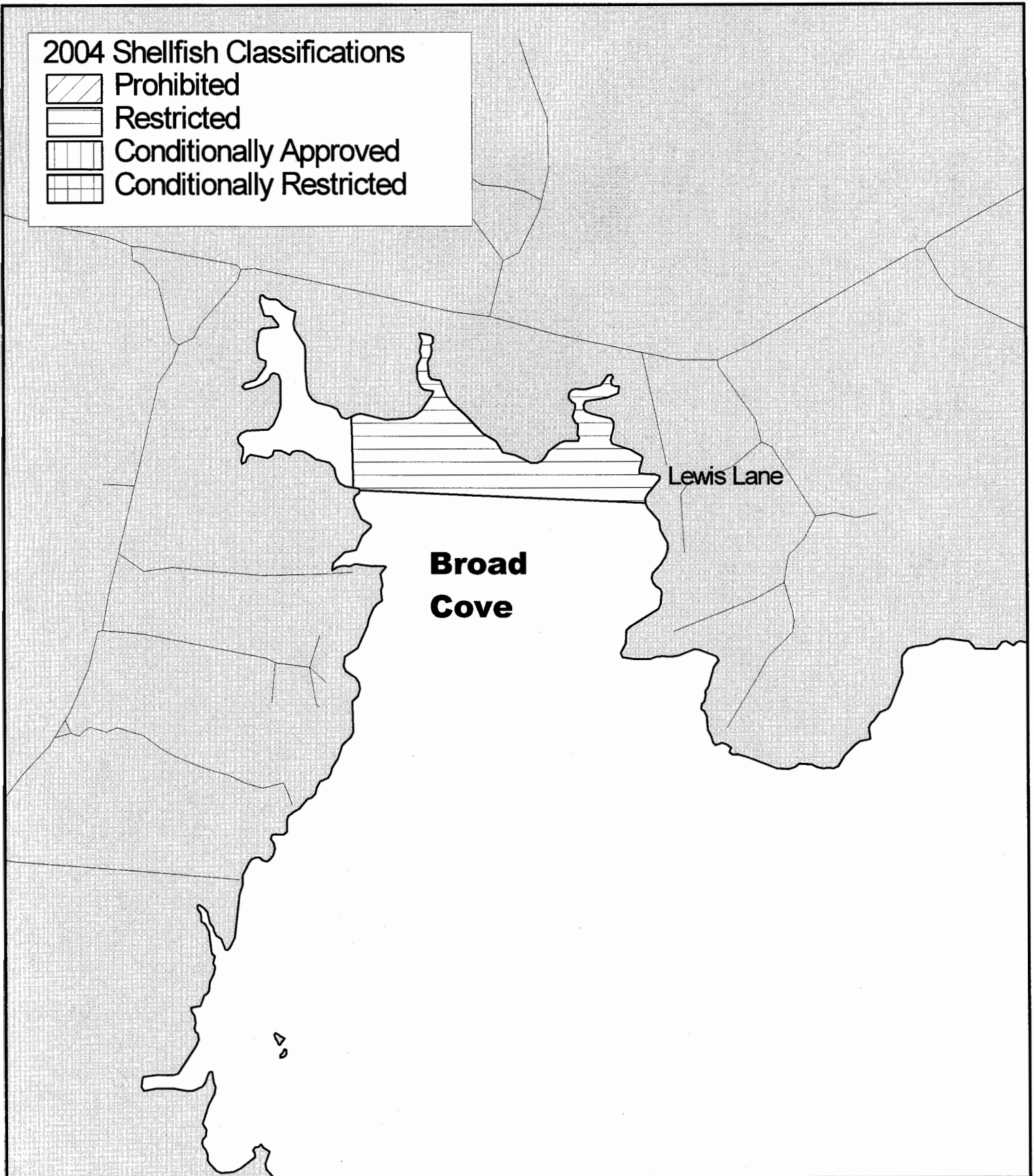
C26H Broad Cove Depuration Area

2/26/04



2004 Shellfish Classifications

-  Prohibited
-  Restricted
-  Conditionally Approved
-  Conditionally Restricted



0.2 0 0.2 0.4 Miles

